

REMARKS

In an Office Action dated October 6, 2003, (paper no. 7), the Examiner objected to the drawings as including a reference sign not mentioned in the description, that is, reference sign "312." The Examiner also objected to the specification and claims 8-10, more specifically claim 8, due to a number of informalities. The Examiner also requested that the applicant fully describe the operation of FIGs. 5 and 6.

In an amendment filed February 4, 2004, the applicant amended the specification and claims in order to conform the specification to the drawings and to overcome the objections of the Examiner. In response to the amendment, the applicant received a Notice of Non-Compliant Amendment, dated February 12, 2004, informing that the amendments to the specification were non-compliant. In particular, a conversation with the Legal Instruments Examiner indicated that the applicant's revision of the description of FIG. 5 on page 2, line 37, in the 'Brief Description of the Drawings' section of the specification was unacceptable because the introductory phrase did not refer to the description being corrected as a paragraph. Therefore, the applicant has amended the introductory phrase to provide "Please amend the paragraph beginning on page 2, line 37, as follows:." Accordingly, the applicant respectfully requests that the objection to the applicant's Amendment as being non-compliant be withdrawn.

As the applicant's Amendment is now compliant, the applicant respectfully solicits allowance of the application. If the Examiner is of the opinion that any issues regarding the status of the claims remain after this response, the Examiner is invited to contact the undersigned representative to expedite resolution of the matter.

Respectfully submitted,
Behzad Mohebbi

By: 

Steven A. May
Attorney for Applicants
Registration No. 44,912
Phone No.: 847/576-3635
Fax No.: 847/576-3750



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

Paper No.

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 2.4.04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see *68 Fed. Reg. 38611*, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following omission(s) or provision is required. Only the section (1.121(h)) of the amendment document containing the omission or non-compliant provision must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.

THE FOLLOWING CHECKED (X) ELEMENT(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☒ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☒ C. Other Changes to the Specification must be made by replacement of entire paragraphs/sections.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☐ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all claims (incl. withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opls/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION**, and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Richard Marks 703-306-2939
Legal Instruments Examiner (LIE)

July 22, 2003 (rev.)